

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Ju-hyung KIM et al.

Application No. 10/727,714

Group Art Unit: 1745

Confirmation No. 6907

Filed: December 5, 2003

Examiner: Keith D. Walker

For: PROTECTOR AND LITHIUM SECONDARY BATTERY HAVING THE SAME

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed January 29, 2008 in the above-identified application, alleging defects in the Summary of the Claimed Subject Matter according to 37 CFR 41.37(c)(1)(v), Applicants submit the following replacement Summary of the Claimed Subject Matter as a separate sheet.

Therefore, it is respectfully submitted that the alleged failure to comply with the requirements of 37 CFR 41.37(c)(1)(v) is thereby appropriately corrected.

The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of the Response to Notification of Non-Compliant Appeal Brief to our Deposit Account No. 50-3333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

Date: Feb. 5, 2008

By:

  
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**V. Summary of the claimed subject matter**

Aspects of the present invention are directed to a lithium battery. In particular, the lithium battery according to claim 12 includes a generation element that generates electrical power (page 5, line 3) and a can to house the generation element (page 5, line 2). The can includes first and second surfaces, the first surface including a first terminal electrically connected to the generation element and the second surface including a second terminal electrically connected to the generation element (FIG. 4A). An output lead, made of a first material or an alloy thereof, is electrically coupled to the second terminal (FIG. 4A and page 7, line 11). A first lead, which electrically coupled to the first terminal, includes a layer of the first material or an alloy thereof and a cladding layer made of a second material or an alloy thereof (FIG. 5A, FIG. 5B). A safety device is electrically coupled to both the output lead and the first lead (FIGS. 3 – 6). The safety device comprises a portion of the first lead where the cladding layer of the first lead is connected to the can, a positive temperature coefficient (PTC) element, adjacent to the portion of the first lead such that the PTC element is separated from the can by the portion of the first lead, to interrupt a current between the output lead and the first lead upon a temperature and/or a voltage increase in the can, and an extension of the first material or an alloy thereof of the output lead adjacent to the PTC element (page 7, lines 1 – 14).

The lithium battery according to claim 38 includes a generation element to generate electrical power housed in a can including first and second terminals electrically coupled to the generation element (page 5, lines 1 – 7 and FIG. 4A). The battery includes an output lead, made of a first material or an alloy thereof, electrically coupled to the second terminal (FIG. 4A and page 7, line 11); a first lead, electrically coupled to the first terminal, including a layer of the first material or an alloy thereof and a cladding layer made of a second material or an alloy thereof

(FIG. 5A, FIG. 5B); and a safety device that is electrically coupled to both the output lead and the first lead (FIGS. 3 – 6). The safety device includes a portion of the first lead where the cladding layer of the first lead is connected to the can, a positive temperature coefficient (PTC) element, adjacent to the portion of the first lead such that the PTC element is separated from the can by the portion of the first lead, to interrupt a current between the output lead and the first lead upon a temperature and/or a voltage increase in the can, and an extension of the first material or an alloy thereof of the output lead adjacent to the PTC element (page 7, lines 1 – 14).